



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 15 2013

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mark Poling, PNCWA President
Clean Water Services
P.O. Box 100
Hansen, ID 83334

Dear Mr. Poling:

Thank you for your letter of May 29, 2013, regarding the Environmental Protection Agency's regulation of Polychlorinated Biphenyls under the Toxic Substances Control Act. In particular, your letter urges the EPA to consider revising its regulations to decrease the allowance of inadvertently generated PCBs, as part of a more comprehensive approach of limiting PCBs at their source, rather than exclusively focusing efforts on controlling point sources such as publicly owned treatment works.

Under TSCA, the EPA has promulgated PCB regulations that allow the manufacture of PCBs as unintentional impurities by an "excluded manufacturing process," which is defined to include certain restrictions (40 CFR § 761.3). This provision imposes limits on the concentration of inadvertently generated PCBs that can be present in the manufactured or imported products, specifically an annual average of no more than 25 ppm and a 50 ppm maximum in any such product manufactured or imported into the United States. In addition, our regulations impose various recordkeeping and reporting provisions on manufacturers using an excluded manufacturing process and importers of products containing such inadvertently generated PCBs, as well as limits on releases of PCBs to air and water from manufacturing sites.

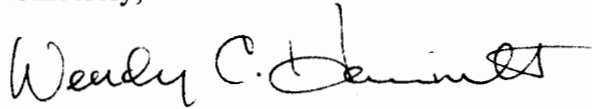
On April 7, 2010, the EPA published an Advanced Notice of Proposed Rulemaking entitled: "Polychlorinated Biphenyls: Reassessment of Use Authorizations" (75 FR 17645). Among other issues raised in that notice, the EPA solicited public comment on the advisability of revising the definition of "excluded manufacturing process" by eliminating the limit on the annual average concentration of PCBs and reducing the maximum PCB concentration allowed in any manufactured or imported product to < 1 ppm.

A number of organizations submitted comments on this topic to the rule docket (EPA-HQ-OPPT-2009-0757). Many commented on the difficulty of achieving PCB water standards because of PCB contamination from various sources, including PCBs present in materials used to manufacture recycled paper stock, due to inks, dyes, pigments and possibly carbonless copy paper. Runoff contaminated by legacy PCB spills and products was also noted as a significant source of PCB water contamination. Substantive comments were also received from the Color Pigments Manufacturing Association (comment # 0195), asserting that a 1 ppm threshold would eliminate three important pigment groups from commerce, and "jeopardize" most color printing as well as the availability of many colors used in paint and plastics.

The EPA is still considering all the information provided in the public comments, as part of our ongoing review of the PCB regulations. The EPA is mindful of the water quality issues presented by PCBs and looks forward to working with the Pacific Northwest Clean Water Association and other interested parties to address this environmental concern.

Again, thank you for your letter and I hope the information provided is helpful to you. If you have any further questions, please contact Tala R. Henry, Ph.D., Director of the National Program Chemicals Division, at 202-564-2959 or henry.tala@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy C. Hamnett", with a stylized flourish at the end.

Wendy Cleland-Hamnett
Director
Office of Pollution Prevention and Toxics



PO Box 100
Hansen, ID 83334

www.pncwa.org
208.455.8381
staff@pncwa.org

2012-2013
Board of Directors

President
Mark Poling
Hillsboro OR
503.681.3800

President-Elect
Mike Ollivant
Puyallup WA
253.863.5128

Vice President
Erik Coats
Moscow ID
253.885.7558

Secretary
David Keil
Boise ID
208.383.4140

Treasurer
Shannon Ostendorf
Bend OR
541.322.8334

Past President
Cyndy Bratz
Boise ID
208.363.4140

WEF Director
Max Hildebrand
Portland OR
541.231.0748

WEF Director
Rick Shanley
Portland OR
503.227.1885

ID Regional Director
Rodney Cook
Moscow ID
208.882.2725

OR Regional Director
Steve Miles
Winston OR
541.879.5152

W WA Regional Director
Gill Bridges
Mukilteo WA
425.355.8637

E WA Regional Director
Tom Hastings
Cle Elum WA
509.674.4368

May 29, 2013

Wendy Cleland-Hamnett
Director, Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency, MC 7401M
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Subject: Toxic Substance Control Act (TSCA), limiting inadvertently generated PCBs
Dear Ms. Cleland-Hamnett:

The Pacific Northwest Clean Water Association (PNCWA) urges the USEPA to consider revising its implementing regulations for TSCA to decrease allowance of inadvertently generated Poly Chlorinated Biphenyls (PCBs). PNCWA is dedicated to preserving and enhancing water resources in the States of Idaho, Oregon and Washington and is a Member Association of the Water Environment Federation (WEF), the non-profit technical and educational organization for water environment professionals active in 39 countries.

PNCWA believes the revisions to TSCA should be part of a comprehensive effort by EPA to assist states, tribes and local governments in the control of PCBs. Efforts for control of PCBs should focus on actions that result in effective control and not come solely at the expense of the publicly owned treatment works (POTWs). Focusing efforts on POTWs by themselves would not be effective. Effective actions could include remediation of contaminated sites, source control, and non-point source controls.

Although banned in the 1970s PCBs continue to be an environmental concern as legacy and ongoing sources of PCBs end up in waterways, potentially impacting beneficial uses. Advances in analytical methods provide an ability to measure PCBs at much lower levels allowing PCBs to be found in sediments, fish tissue, and water. Oregon has lowered water quality criteria based on fish consumption rates, and we can expect other states in the Pacific Northwest to consider similar actions. Municipalities can expect to see more regulatory actions, such as establishing Total Maximum Daily Loads (TMDLs) to limit the impact of toxic pollutants including PCBs.

Regulatory actions, such as TMDLs, often focus control efforts on regulated point sources, including POTWs. However, control of PCBs from point sources including POTWs alone is unlikely to achieve water quality objectives. Limiting PCBs at their source, including reducing the inadvertently generated PCBs, along with proactive control of legacy sources provides a more comprehensive approach, as suggested by Spokane River Regional Toxics Task Force. Along with the Spokane River Regional Toxics Task Force, National Association of Clean Water Agencies (NACWA) and others, PNCWA and WEF urge EPA to consider revisions to TSCA to further limit the concentration of inadvertently generated PCBs as one means to support comprehensive approaches to reducing PCBs. Thank you for your consideration of our concerns and input.

Sincerely,

Mark Poling, PNCWA President
Clean Water Services